

MEMORANDUM OF AGREEMENT

BETWEEN

U.S. DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

AND

U.S. ARMY CORPS OF ENGINEERS

FOR

COMPREHENSIVE NATIONWIDE

PROJECT MANAGEMENT SERVICES

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THIS AGREEMENT, entered into this 24th day of July 1997, is by and between the U.S. Department of Justice Immigration and Naturalization Service (INS), represented by the Assistant Commissioner for Administration, and the U.S. Army Corps of Engineers (USACE), represented by the Commander, Southwestern Division. This agreement is pursuant to, and under the general provisions of, the global memorandum of agreement, dated 7 October 1994, between the U.S. Department of Justice Immigration and Naturalization Service and the Department of the Army.

I. Introduction and Purpose

The purpose of this memorandum of agreement is to establish the manner in which USACE will provide turnkey facilities project management services to INS. These management services include, but are not limited to,

- real estate (acquisition, real estate planning reports, appraisals, leasing, automated space planning, and facility management);
- planning and programming (site assessments, streamlined planning and programming system, preliminary cost estimates, feasibility studies);
- environmental protection (endangered species, cultural resources, environmental impact assessments, asbestos and lead-based paint surveys, hazardous substance remediation, and mitigation);
- multidiscipline design, comprehensive interior design, and cost engineering;
- construction and warranty enforcement; and
- integrated occupancy services (furniture and equipment layouts, physical move coordination).

The INS intends to assign all project management responsibility to an Architect Engineer Resource Center (AERC) to be established in the Fort Worth District, USACE. The Center, staffed by the Fort Worth District and reimbursed by INS, will manage the above services for new construction and repair and alteration projects. The AERC may also be tasked to provide additional services to support the INS operations and maintenance requirements. All work assigned to and performed by the Corps, including its districts and divisions, will be coordinated by and controlled through the AERC. All project-related costs will be funded by INS under reimbursable work authorizations.

II. Background

Substantial growth in INS programs has resulted in increased staffing, creating requirements for upgraded and new facilities, such as larger border patrol stations to house the increased number of border patrol agents. Similarly, the influx of people crossing the borders has created requirements for upgraded and new facilities, including new service processing centers to house illegal aliens. Meeting those requirements has exceeded the capacity of the current INS facility staff. Rather than increasing the internal INS staff, INS determined that another government agency might have the capacity to meet the expanding INS facility project management requirements. A one-stop AERC offering cradle-to-grave facility project services was determined to be the most effective means for INS to cope with this expanded requirement. The AERC would support Headquarters INS and its regions and field offices.

By letter dated 11 December 1996, the INS asked USACE to evaluate the possibility of assigning a single Corps district to support INS and to adopt cost-saving measures. By letter dated 17 February 1997, USACE assigned to the Southwestern Division the task of preparing a proposal for streamlining USACE processes and procedures in response to INS's request. The Southwestern Division delegated preparation of the proposal to the Fort Worth District, where a team of service providers was assembled. The team evaluated USACE procedures, compared them to the requirements of the INS, and proposed a new business approach to providing services to customers. This proposal was accepted by INS on 12 June 1997.

III. Goals and Objectives

The mission of the AERC is to serve as a full service project management team, providing INS a gateway to the worldwide USACE assets. The AERC will provide simplified project management, flexible business practices, staff augmentation, strategic planning and programming opportunities, and a full complement of real estate services. The AERC staff will be solely dedicated to meeting the requirements of the INS program and to providing centralized project and funds management. The goal of the AERC is to execute the assigned INS facilities program within the fiscal year and to seek opportunities for continually improving service to the INS. Applying best business practices, the AERC will continually strive to improve its delivery of high quality products and services on time and at the lowest reasonable cost.

IV. Organization and Staffing

The AERC staff will likely consist of a Center Director, Assistant Center Director, Resource Manager, and Real Estate Manager. The Center Director will be the primary point of contact. In the Director's absence, the Assistant Director will be the point of contact. The AERC staff has access to the entire Army Corps of Engineers for provision of services to INS. The AERC will initiate and maintain close relationships with USACE districts that provide service to Headquarters INS and to the INS Regional Administrative Centers (RACs). Formal lines of communication will flow from servicing Corps districts, through the AERC, to Headquarters INS.

and the RACs. Informal communications between servicing USACE districts and RACs will be encouraged.

Unless otherwise notified in writing, the Center Director shall be

Ralph E. Barrett, P.E.
U.S. Army Engineer District, Fort Worth
ATTN: CESWF-PM-INS
P.O. Box 17300
819 Taylor Street
Fort Worth, TX 76102-0300
(817) 978-2231
ralph.barrett@swf01.usace.army.mil

Unless otherwise notified in writing, the Assistant Director shall be

Eric Verwers
U.S. Army Engineer District, Fort Worth
ATTN: CESWF-PM-INS
P.O. Box 17300
819 Taylor Street
Fort Worth, TX 76102-0300
(817) 978-2370
eric.verwers@swf01.usace.army.mil

Unless otherwise notified in writing, the principal point of contact at Headquarters INS shall be

James A. Caffrey
Immigration and Naturalization Service Headquarters
Chief, Policy, Oversight and Technical Services
Headquarters, Facilities and Engineering
Room 2060
425 I Street N.W.
Washington, DC 20536
(202) 616-7417
ins15@erols.com

V. Work Assignment—Process, Procedures, and Prioritization

Work will be assigned to the AERC by work orders, as specified in the INS-USACE memorandum of agreement dated 7 October 1994. Upon execution of this new memorandum of agreement, INS will issue USACE an initial work order to initiate the tasks required to establish the AERC; to provide funds for salaries, travel, and other expenses; and to permit INS transition from its current project management activities to those provided under this agreement. This transition may include the monitoring of projects already in progress.

In the first quarter of each fiscal year, Headquarters INS will issue to the AERC the annual INS program, prioritized by regions, and the necessary management and project funding. The AERC will then consolidate projects for execution by servicing Corps districts, prioritize projects being accomplished at the districts, and prepare draft project management plans stipulating minimum customer requirements. Districts will then complete the project management plans and provide cost estimates for the required services. The AERC will review the estimates to ensure that all customer requirements are being met and will transfer funds via the Corps of Engineers Financial Management System (CEFMS) to the servicing districts. Receipt of funding by the servicing district will serve as authorization to begin work. The AERC will then monitor the status of projects and report monthly to INS. The INS RACs may also obtain USACE services from the AERC by following the above procedures.

VI. Information Management

The AERC will provide monthly reports on project status and financial status. Project status will be in the form of a Gantt chart prepared with MS Project software; it will include critical milestones associated with the individual projects. Financial status will be in the form of a report detailing total funds received, planned obligations, total funds obligated, and future requirements. The AERC will establish a Web page for communicating AERC information; it will include directories, work processes and procedures, project status, and other information deemed appropriate for electronic transmittal.

VII. Funds Management

Reimbursable orders will be issued and accepted under the provisions of the Economy Act, 31 U.S.C. 1535. Billings will be monthly by SF 1080. Payments will also be made monthly. A *Reimbursable Work Authorization*, GSA Form 2957, or mutually agreed alternative, will be used to transfer funds to the AERC. This document will contain a statement of work that describes the products and services to be provided by the AERC. The AERC will track and manage all funds received using a combination of the Corps' CEFMS, MS Project, and MS Access, or other systems requested by INS. Information on project funding status will be available via the Internet on a 24-hour basis for most projects. If the Internet is not accessible, or if a project is not on the Web page, status reports will be faxed, mailed, or sent by next-day air.

VIII. Performance Measurement

The AERC's performance will be gauged by the actual execution of the INS program and its variance from the planned execution. Execution will be broken down into contract awards (both design and construction) and total funds obligation. Additional performance factors for consideration include the AERC's responsiveness to INS, the quality of the products, cost control, and communications.

IX. Administration and Standard Operating Procedures

To facilitate smooth AERC operations, standard operating procedures (SOPs) will be developed, issued, and maintained by the Center. SOPs may, for example, cover the following topics:


- Annual AERC budget procedures
- Correspondence
- Records management
- Organization and personnel management
- Information management
- Annual calendar
- Funds management
- Work flow process
- Quality management.

These SOPs will be sequentially numbered within the fiscal year issued, i.e., AERC-97-1, AERC-97-2, etc. The SOP will state any changes to past SOPs and will be sent to all appropriate INS and USACE offices and will be available on the AERC Web page.

X. Effective Date

This memorandum of agreement is effective upon signature by INS and USACE representatives.

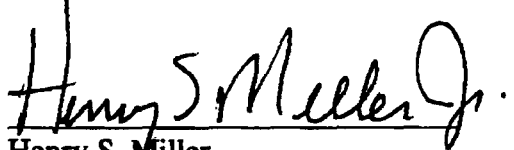
U.S. Department of Justice
Immigration and Naturalization Service



David A. Yentzer
Assistant Commissioner
Office of Administration

Date: 26 July 97

U.S. Army Corps of Engineers



Henry S. Miller
Brigadier General, U.S. Army
Commander
Southwestern Division

Date: 26 July 1997

SUBJECT: Single Point of Contact (SPOC) for the Immigration and Naturalization Service (INS) Construction Program

SWD
Howard

Since the agreement between the INS and the Army in 1994, HQ,INS has been working with six districts (SPL, SWF, SWA, SWG, SAJ, and NCB) to execute its centralized , headquarters managed construction program. The enactment of the Crime Bill in Sep 94 provided the impetus for increased facility requirements. Required facilities are related to checkpoints and border patrol stations primarily along the U.S. - Mexico border.

The INS utilizes outside resources such as USACE because of its limited technical staff. The INS has an abundance of knowledge on how the "immigration" business should be run. They don't have the resources to get facility projects designed and built. The INS believes that a (dedicated) single focal point for accountability for the execution of their program would be beneficial. In the current execution of the projects, INS finds an inconsistency among the executing districts in the quality of design & construction products. They also find themselves performing project management functions such as coordinating the efforts of different districts and maintaining consistent quality. Implementation of the SPOC concept would relieve the INS of any "project management" role so they could concentrate on program management. The SPOC concept would also alleviate design inconsistencies with the increased use of standardized designs and criteria.

With their limited technical staff, HQ,INS will continue to interface with USACE, as it does now. The USACE needs to be customer focused in its management and project execution approaches if it desires to provide technical services to the Justice Department "community" that includes INS. The INS comes to USACE voluntarily as a non-captive customer. Unless the INS is satisfied with our support, they will find an alternative to USACE in the execution of their facilities program.